

STATEMENT OF BASIS (AI No. 39721)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0116106 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: MERS, Inc.

Economy Boat Store - Baton Rouge
P.O. Box 56
Memphis, TN 38101

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Yvonne Baker

DATE PREPARED: January 16, 2008

1. PERMIT STATUS**A. Reason For Permit Action:**

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit - NPDES permit effective date: N/A
NPDES permit expiration date: N/A
EPA has not retained enforcement authority.

C. LPDES permits - LA0116106
LPDES permit effective date: May 1, 2003
LPDES permit expiration date: April 30, 2008

D. Date Application Received: November 16, 2007

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY - marine transportation services**

Economy Boat Store is an existing facility that supplies fuel, lube oils, and commercial products to towing vessels that transit the Mississippi River. As a customer service, they also gather bilge, slops, and used oil to be disposed of off-site by another company. There is an oil storage containment area located on shore where the permittee will store various size containers of lubricating oil, gear oil, grease, and other petroleum products for vessel use sold to Economy's customers.

Note: the facility is inactive at this time.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: I, BPJ; LAC 33:IX.1315.A.3
3. Wastewater Type: III
4. SIC code: 4492 and 4499

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- C. LOCATION - 1926 River Road, Mississippi River mile marker 228.5 in Baton Rouge, East Baton Rouge Parish; Latitude 30 25' 40", Longitude 91 11' 34"

Refueling operations are conducted between River Mile 198 and River Mile 258 on the Mississippi River, East Feliciana, West Feliciana, Pointe Coupee, East Baton Rouge, West Baton Rouge and Iberville Parishes

3. OUTFALL INFORMATION

Sanitary Wastewater

Facility is connected to the East Baton Rouge Publicly Owned Treatment Works (POTW)

Bilge/Slop Waters

As a customer service, Economy has one barge with a tank dedicated to gathering and holding bilge/slop waters and waste oil. These wastes are gathered from customer ships, as well as Economy's own tugs. The waste is never discharged by Economy, rather it is off-loaded onto another Company's barge and transported for treatment and discharge off-site

Outfall A

Discharge Type: external barge and deck washwater

Treatment: none

Location: various locations

Flow: approximately 500 GPD

Discharge Route: to the Mississippi River

Note: Internal cleaning of the refueling barges is conducted by an outside company and the wastewater is sent off-site for disposal.

Outfall B

Discharge Type: maintenance ballast and void water

Treatment: none

Location: various locations

Flow: approximately 300 GPD

Discharge Route: to the Mississippi River

void water – consists of either water from the Mississippi River that has leaked into the barge tanks, condensation that forms in the barge tanks, or precipitation that may enter the barge tanks.

ballast water – consists of water pumped directly from the Mississippi River that is intentionally pumped into void tanks of a barge for ballast to conduct operations.

Note: All of the void tanks are clean empty tanks that do not carry any petroleum products.

4. RECEIVING WATERS

STREAM - directly to the Mississippi River

BASIN AND SEGMENT - Mississippi River Basin, Segment 070301

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DESIGNATED USES - a. primary contact recreation
 b. secondary contact recreation
 c. propagation of fish and wildlife
 d. drinking water supply

5. TMDL STATUS

The discharges from MERS, Inc. are to the Mississippi River, Subsegment 070301 of the Mississippi River Basin. Subsegment 070301 is not listed on LDEQ's Final 2004 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

The following items were added to the permit:

Dry Dock Conditions
 BMPs for Dry Dock Washdown
 Stormwater Pollution Prevention Plan

7. COMPLIANCE HISTORY/COMMENTS

1. WQMD – There are no open, appealed, or pending OES/water enforcement actions as of January 16, 2008.
 There are no recent inspections on file at LDEQ.
2. DMR Review/Excursions – There were no exceedances in permitted limits noted in years 2006 and 2007.

Note – All DMRS were marked with “No Discharge.” The 2007 Application does note the facility is inactive at this time.

8. EXISTING EFFLUENT LIMITS

Outfall A: external barge and deck washdown water

Best Management Practices (BMPs) for barge operations are listed in Part II.

Outfall B: maintenance ballast and void water

Pollutant	Monthly Average	Daily Maximum	Frequency
Flow	Report	Report	1/discharge event
COD	---	250 mg/L	1/discharge event
Oil & Grease	---	15 mg/L	1/discharge event
pH Min/Max Values	6.0 (min)	9.0 (max)	1/discharge event

Sampling for Outfall B is only required if a visible oil sheen is present.

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9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 070301 of the Mississippi River Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon, which is listed as an endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Pallid Sturgeon. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for MERS, Inc.

1. Outfall A: external barge and deck washwater

<u>Pollutant</u>	<u>Limitation</u> Mthly Avg:Daily Max (mg/l)	<u>Reference</u>
	None	BPJ; existing permits for similar outfalls and the previous permit

Treatment: none

Monitoring Frequency: None; BPJ; existing permits for similar outfalls and the previous permit

Limits Justification: BPJ; language has been added to Part II, which addresses pollution prevention practices for the washdown activities; this is consistent with existing permits for similar outfalls and the previous permit.

2. Outfall B: maintenance ballast and void water

<u>Pollutant</u>	<u>Limitation</u> Mthly Avg:Daily Max (mg/l)	<u>Reference</u>
Flow-MGD	Report:Report	LAC 33:IX.2701.I.1.b
COD	---:250	BPJ; existing permits for similar outfalls and the previous permit
Oil and Grease	---:15	BPJ; existing permits for similar outfalls and the previous permit
pH	6.0 - 9.0 s.u.	BPJ; existing permits for similar outfalls and the previous permit

Treatment: none

Monitoring Frequency: Once per discharge for all parameters at the point of discharge; sampling is only required if a visible sheen is present (See Part II, paragraph O); BPJ; existing permits for similar outfalls and the previous permit.

*The measurement frequency for Outfall B for the discharge of maintenance ballast and void water shall be 1/month whenever sampling is required.

Limits Justification: Limits are based on current guidance for similar discharges from other facilities and the previous permit.

BPJ Best Professional Judgment

This facility is not subject to Effluent Limitations Guidelines for Transportation Equipment Cleaning, 40 CFR Part 442, because, in accordance with 40 CFR 442.1.a, "this part applies to discharges resulting from cleaning the interior of tanks used to transport chemical, petroleum or food grade cargos." This facility does not clean tanks. Only the exterior of barges is cleaned.

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Storm Water Pollution Prevention Plan (SWP3) Requirement

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC codes 4492 and 4499 are considered to have storm water discharges associated with industrial activity.

The SWP3 shall be prepared, implemented, and maintained within six(6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see Part II of the permit).